

Appl. No. 09/855,096  
Amdt. dated February 2, 2005  
Reply to the Office Action of 11/3/2004

### **REMARKS/ARGUMENTS**

Reexamination and reconsideration of this application is requested. By this amendment, Applicants have amended Claims 11-14 and 16-17, and have added new Claims 19-23. After this amendment, claims 11-23 are pending in this application.

### **Claim Rejections - under 35 USC § 102**

The Examiner rejected Claims 11, and 13-18 under 35 U.S.C. 102(e) as being anticipated by Shapiro (U.S. Patent 5,705,980) (hereinafter "Shapiro"). The Examiner cites 35 U.S.C. § 102(e) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated by Shapiro.<sup>1</sup> This rejection is respectfully traversed.

To begin, the Shapiro reference is directed to a method and apparatus for summoning police or security personnel assistance in an emergency situation. The system of Shapiro has an alarm unit carried by persons that can be actuated to send an emergency signal. The base station determines the location of this transmitter and then determines the location of security officers by transmitting a location inquiry signal and then determines the officers' location by processing the response transmission from the officers' pagers. Shapiro, Abstract. The location of the transmitters in the Shapiro reference is limited to Time Of Arrival (TOA) techniques. Shapiro, Column 6, lines 45-56.

The Applicants have amended independent method claim 11 to read as follows:

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<sup>1</sup> See MPEP §2131 (Emphasis Added) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

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computing distances between a location of a first wireless communications device and a respective location of each of at least one other wireless communication devices;

comparing each of the distances to at least one distance threshold stored within a list of preferences stored in a profile database in association with the first wireless communications device;

identifying, in response to the comparing, a set of wireless communications devices that satisfy the at least one distance threshold; and

sending, to the first wireless communications device, the respective location and an identifier of each wireless communication devices within the set.

The Applicants have also similarly amended independent computer readable medium claim 16. The following remarks will discuss amended independent method claim 11 for clarity, but the same remarks are applicable to amended independent computer readable medium claim 16 as well. Support for these amendments may be found in the specification at, for example, page 13, line 18 through page 14, line 7. No new matter has been added by these amendments.

The Applicants respectfully traverse the Examiner's assertion that Shapiro teaches "a paging database containing locations from the person and an assigned officer." Office Action, page 2, last paragraph. The Shapiro reference does teach storing personal information, such as "name, image and other stored information." Shapiro, Column 4, lines 21-39. However, the Shapiro reference does not teach storing "locations" of the pagers. In contrast, the Shapiro reference teaches determining locations through Time Of Arrival (TOA) measurements. Shapiro, column 5, lines 48-56. The Applicants respectfully assert that storing locations of individuals with wireless devices is not an obvious extension to storing personal information, since the location of individuals with wireless devices is apt to frequent and constant change.

The Applicants respectfully assert that the Shapiro reference, taken either alone or in combination with any of the cited prior art references, fails to teach or suggest "comparing each of the distances to at least one distance threshold stored within a list of

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preferences stored in a profile database in association with the first wireless communications device.” The Applicants respectfully point out that the above claim requires comparing distances “to at least one distance threshold stored within a list of preferences.” The Applicants further respectfully point out that the Shapiro reference does not include any teaching of “a list of preferences” to which distances are compared, as is recited by amended independent claim 11.

The Examiner correctly indicates that the Shapiro reference teaches “determining the location of police/security officers relative to the location of a person sending an emergency signal in order to find the closest officer to that person.” Office Action, page 3, first paragraph, emphasis added. However, the Applicants respectfully assert that while the Shapiro reference teaches determining locations of wireless devices; and comparison of those locations to each other in order to find the closest officer may be implied, the Shapiro reference does not teach or suggest “comparing each of the distances to at least one distance threshold stored within a list of preferences stored in a profile database in association with the first wireless communications device” as is recited for amended claim 11.

The Applicants respectfully point out that the aspects of the present invention set forth in amended independent claim 11 include “computing distances between a location of a first wireless communications device and a respective location of each of at least one other wireless communication device” and then performing the comparison of these distances as described above. Amended independent claim 11 further includes “identifying, in response to the comparing, a set of wireless communications devices that satisfy the at least one distance threshold.” As discussed above, amended independent claim 11 defines the “at least one distance threshold” to be “stored within a list of preferences stored in a profile database in association with the first wireless communications device.” The Applicants respectfully assert that the recited identifying step, especially when the claim is considered as a whole, is not taught or suggested by the Shapiro reference. The Applicants respectfully assert that the Shapiro reference, taken

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alone or in combination with any of the other cited prior art references, fails to teach or suggest "at least one distance threshold" that is "stored in a profile database in association with the first wireless communications device" as is recited for amended independent claim 11.

Further, the Applicants respectfully assert that the Shapiro reference, taken either alone or in combination with any other cited prior art reference, fails to teach or suggest "sending, to the first wireless communications device, the respective location and an identifier of each wireless communication devices within the set" as is recited for amended independent claim 11. The Examiner correctly states that Shapiro teaches "sending an assistance order signal to the closest officer." Office Action, Page 3, first paragraph. The Applicants respectfully assert, however, that amended independent claim 11 recites "sending, to the first wireless communications device." The first limitation of amended independent claim 11 indicates that distances are computed between "the first wireless communications device" and "at least one other wireless communications device." This indicates that the "first wireless communications device" is not analogous to the pager of the "closest officer" of the Shapiro reference since the Shapiro reference teaches quantifying the location of "the person" with "the assigned officers." Shapiro, Column 4, lines 40-48. The Shapiro reference teaches sending location and other personal information about the requesting person to the "security officer ... that is closes to the signaling person." Shapiro, Column 7, lines 18-29. The Applicants respectfully assert that this indicates the teachings of the Shapiro reference are limited to sending location and personal information about one wireless communications device. In contrast, however, amended independent claim 11 recites that "the respective location and an identifier of each wireless communication devices within the set" is sent to the first wireless communications device. Furthermore, "the set" as recited in the last limitation of amended independent claim 11 is defined in the preceding limitation as resulting from "identifying, in response to the comparing, a set of wireless communications devices that satisfy the at least one distance threshold." As discussed above, the Shapiro reference, taken either alone or in combination with the other cited

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prior art references, does not teach or suggest identifying any “set of wireless communications devices that satisfy the at least one distance threshold.” The Shapiro reference is limited to identifying a “security officer ... that is closest to the signaling person” or the officer’s associated wireless communications device and does not comprehend identifying any “set of wireless communications devices that satisfy the at least one distance threshold.” As further noted above, the Shapiro reference, taken either alone or in combination with the other cited prior art references, does not teach or suggest the “at least one distance threshold” that, as defined in the second limitation of amended claim 11, is “within a list of preferences stored in a profile database in association with the first wireless communications device.”

The Applicants have amended independent method claim 13 to read as follows:

computing distances between a location of a first wireless communications device and a respective location of each of at least one other wireless communication devices;

comparing each of the distances to at least one distance threshold stored within a list of preferences stored in a profile database in association with the first wireless communications device;

identifying, in response to the comparing, a set of wireless communications devices that satisfy the at least one distance threshold; and

sending an alert notification to at least one wireless communications device within the set that satisfies preferences within the list of preferences.

The Applicants have also similarly amended independent computer readable medium claim 17. The following remarks will discuss amended independent method claim 13 for clarity, but the same remarks are applicable to amended independent computer readable medium claim 17 as well. Support for these amendments may be found in the specification at, for example, page 14, line 19 through page 15, line 11. No new matter has been added by this amendment.

The Applicants point out that the computing step, the comparing step and the

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identifying step of amended independent method claim 13 are similar to corresponding steps that are recited for amended independent claim 11. The Applicants therefore reassert their remarks regarding those steps made above for amended independent claim 11 in regards to amended independent claim 13.

The Applicants have also amended independent claim 13 to recite “sending an alert notification to at least one wireless communications device within the set that satisfies preferences within the list of preferences.” As discussed above, the Shapiro reference, taken either alone or in any combination with the other cited prior art references, fails to teach or suggest a “list of preferences” particularly, as defined by the second limitation of amended claim 13, “a list of preferences stored in a profile database in association with the first wireless communications device.” The Shapiro reference only teaches sending information to the “security officer ... that is closes to the signaling person.” Shapiro, Column 7, lines 18-29. The Applicants respectfully assert that simply identifying the closest officer and sending information to him or her is not a teaching of the invention set forth in amended independent claim 13.

The Applicants have amended independent method claim 14 to read as follows:

- computing distances between a received location indication of a wireless communication device and a respective location of at least one emergency service;

- comparing each of the distances with a proximity preference stored in a profile database in association with the wireless communications device;

- identifying, in response to the comparing, a set of emergency services within the at least one emergency service that satisfy the proximity preference; and

- sending an alert notification to at least one emergency service of the set of emergency services.

Support for these amendments may be found in the specification at, for example, page 14, line 19 through page 15, line 11. No new matter has been added by this

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amendment.

The Applicants respectfully assert that the Shapiro reference, taken either alone or in combination with any of the cited prior art references, fails to teach or suggest “comparing each of the distances with a proximity preference stored in a profile database in association with the wireless communications device.” The Applicants respectfully point out that the above claim requires comparing distances “with a proximity preference stored in a profile database.” The Applicants further respectfully point out that the Shapiro reference does not include any teaching of “a proximity preference stored in a profile database” to which distances are compared, as is recited by amended independent claim 14.

The Examiner correctly indicates that the Shapiro reference teaches “determining the location of police/security officers relative to the location of a person sending an emergency signal in order to find the closest officer to that person.” Office Action, page 4, second paragraph, emphasis added. However, the Applicants respectfully assert that while the Shapiro reference teaches determining locations of wireless devices, and comparison of those locations to each other in order to find the closest officer may be implied, the Shapiro reference does not teach or suggest “comparing each of the distances with a proximity preference stored in a profile database in association with the wireless communications device” as is recited for amended claim 14.

The Applicants respectfully point out that the aspects of the present invention set forth in amended independent claim 14 include “computing distances between a location indication of a wireless communications device and a respective location of each of at least one emergency service” and then performing the comparison of these distances as described above. Amended independent claim 14 further includes “identifying, in response to the comparing, a set of emergency services within the at least one emergency service that satisfy the proximity preference.” As discussed above, amended independent claim 14 defines the “proximity preference” to be “stored in a profile database in

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association with the wireless communications device.” The Applicants respectfully assert that the recited identifying step, especially when the claim is considered as a whole, is not taught or suggested by the Shapiro reference. The Applicants respectfully assert that the Shapiro reference, taken alone or in combination with any of the other cited prior art references, fails to teach or suggest “a proximity preference” that is “stored in a profile database in association with the wireless communications device” as is recited for amended independent claim 14.

Additionally, Applicants note that dependent claims 12, 15 and 18 depend from amended independent claims 11, 14, and 17, respectively. As discussed above, amended independent claims 11, 14 and 17 distinguish over the cited prior art. Since dependent claims include all of the limitations of the independent claims from which they depend, Applicants further assert that dependent claims 12, 15 and 18 also distinguish over the cited prior art as well.

In view of the amendment and remarks above, Applicants believe that the rejection of Claims 11, and 13-18 under 35 U.S.C. 102(e) has been overcome. The Examiner should withdraw the rejection of these claims.

#### **Claim Rejections - under 35 USC § 103(a)**

The Examiner rejected Claim 12 under 35 U.S.C. 103(a) as being anticipated by Shapiro (U.S. Patent 5,705,980) in view of Ishizuka et al. (U.S. Patent 6,101,391) (hereinafter “Ishizuka”). This rejection is respectfully traversed.

The Ishizuka reference is directed to a mobile telephone system which sends a mobile's positional data to certain nearby mobiles. Ishizuka, Title. In order to determine positional data of a mobile, the processing of the Ishizuka reference determines the distance from several base stations, with known locations, to a particular mobile terminal. This distance determination uses a common RF transponder to determine the round trip



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RF signal propagation time between a base station and the mobile terminal. Ishizuka, FIG. 3 and Column 3, line 57 to column 5, line 24. After determining this distance relative to several base stations, circles with a radii corresponding to these distances that are centered on the corresponding base station can be created and their intersections indicate the location of the mobile telephone. Ishizuka, FIG. 4 and Column 5, lines 25-39.

The Applicants have amended dependent claim 12 to provide proper antecedent basis given amendments to amended independent claim 11, from which amended dependent claim 12 depends, and more clearly specify the additional step of "displaying the respective location and the identifier of each wireless device within the set." Support for this amendment is found in the specification at, for example, page 13, lines 1-4. No new matter has been added by this amendment.

As amended, dependent claim 12 specifies the "displaying the respective location and the identifier of each wireless device within the set." "The set" is defined in amended independent claim 11, from which amended dependent claim 12 depends, as "wireless devices that satisfy the at least one distance threshold." As discussed above, the cited prior art references do not teach or suggest identifying such a "set" as is set forth in amended dependent claim 12, especially when considered as a whole.

Additionally, Applicants note that dependent claim 12 depends from amended independent claim 11. As discussed above, amended independent claim 11 distinguishes over the cited prior art. Since dependent claims include all of the limitations of the independent claims from which they depend, Applicants further assert that dependent claim 12 also distinguishes over the cited prior art as well.

In view of the amendment and remarks above, Applicants believe that the rejection of Claim 12 under 35 U.S.C. 103(a) has been overcome. The Examiner should withdraw the rejection of this claim.

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### **Newly Added Claims**

The Applicants have added new dependent claim 19, which depends from amended independent claim 11 and recites "wherein the respective location of each of at least one other wireless communications device is stored in a location database." Support for this new dependent claim may be found in the specification at, for example, page 8, line 19 to page 9, line 1. No new matter has been added by this amendment. As discussed above, the Applicants respectfully assert that the cited prior art references do not teach or suggest storing locations of wireless communications devices in a database for use in determining distances between wireless units.

The Applicants have added new dependent claim 20, which depends from amended independent claim 11 and recites the further method steps of "receiving, in response to the step of sending, a selection of a selected wireless communications device from within the set; and initiating, in response to the step of receiving, communications between the first wireless communications device and the selected wireless communications device." Support for this new dependent claim may be found in the specification at, for example, page 12, lines 11-18. No new matter has been added by this amendment. The Applicants respectfully assert that the cited prior art references do not teach or suggest performing these steps, particularly when the limitations of new dependent claim 20 and amended independent claim 11, from which new dependent claim 20 depends, are considered "as a whole."

The Applicants have added new dependent claim 21, which depends from amended independent claim 11 and recites the additional step of "maintaining the profile database, wherein the profile database comprises individualized lists of preferences that are stored in association with a corresponding wireless communications device." Support for this new dependent claim may be found in the specification at, for example, page 9, lines 1-5. No new matter has been added by this amendment. As discussed above, the

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Applicants respectfully assert that the cited prior art references do not teach or suggest profile databases that comprise individualized lists of preferences that are stored in association with a corresponding wireless communications device.

The Applicants have added new dependent claim 22, which depends from amended independent claim 11 and recites “wherein the computing step is performed in response to a request transmitted by the first wireless communications device.” Support for this new dependent claim may be found in the specification at, for example, page 9, lines 11-17. No new matter has been added by this amendment. As discussed above, the Applicants respectfully assert that the cited prior art references do not teach or suggest the combination of steps recited by new dependent claim 22 and amended independent claim 11, from which new dependent claim 22 depends, especially when these claims are considered “as a whole.”

The Applicants have added new dependent claim 23, which depends from amended independent claim 14 and recites the method “further comprises the step of sending, to the wireless communications device, the respective location and an identifier of each emergency service within the set.” Support for this new dependent claim may be found in the specification at, for example, page 15, lines 4-11. No new matter has been added by this amendment.

With regards to new dependent claim 23, the Applicants respectfully assert that the cited prior art references, taken either alone or in combination with one another, fail to teach or suggest “sending, to the wireless communications device, the respective location and an identifier of each emergency service within the set.” The Applicants respectfully point out that “the set” is defined in the third limitation of amended independent claim 14, from which new dependent claim 23 depends, as “a set of emergency services within the at least one emergency service that satisfy the proximity preference.” As discussed above with reference to the rejection of other claims, the Examiner correctly stated that Shapiro teaches “sending an assistance order signal to the

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closest officer.” Office Action, Page 3, first paragraph. The Applicants respectfully assert, however, that new dependent claim 23 recites sending information in the opposite direction, i.e., sending location and identifiers of the emergency services to the wireless communications device. This is sending information in the opposite direction as taught by Shapiro, which sends location and other information about the wireless communications device to the emergency service, such as the nearest officer.

### **Conclusion**

The foregoing is submitted as full and complete response to the Official Action mailed November 3, 2004, and it is submitted that Claims 11-23 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of Claims 11-23 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §§ 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

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The present application, after entry of this amendment, comprises thirteen (13) claims, including five (5) independent claims. Applicants have previously paid for twenty (20) claims including eight (8) independent claims. Applicants, therefore, believe that an additional fee for claims amendment is currently not due.

**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**

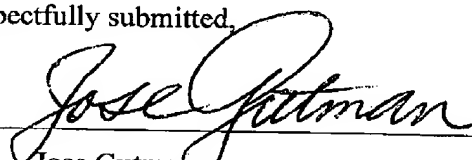
The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 09-0441.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

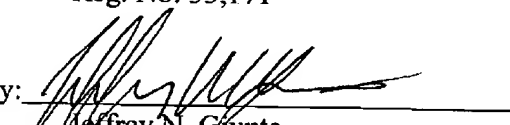
Respectfully submitted,

Date: February 2, 2005

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